

(Draft - Awaiting Formal Approval)

**MINUTES OF THE  
JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE INTERIM COMMITTEE**  
Wednesday, May 20, 2009 – 10:45 a.m. – Room 30 House Building

**Members Present:**

Sen. Jon J. Greiner, Senate Chair  
Rep. Douglas C. Aagard, House Cochair  
Rep. Lorie D. Fowlke, House Cochair  
Sen. D. Chris Butters  
Sen. Lyle W. Hillyard  
Sen. Ross I. Romero  
President Michael G. Waddoups  
Rep. Sheryl L. Allen  
Rep. Trisha S. Beck  
Rep. Jim Bird  
Rep. Richard A. Greenwood  
Rep. Eric K. Hutchings  
Rep. Don L. Ipson  
Rep. Brian S. King  
Rep. Rebecca D. Lockhart  
Rep. Kay L. McIff

Rep. Curtis Oda  
Rep. Jennifer M. Seelig  
Rep. Mark A. Wheatley  
Rep. Larry B. Wiley  
Rep. Carl Wimmer

**Members Absent:**

Sen. Scott D. McCoy  
Rep. Keith Grover

**Staff Present:**

Jerry D. Howe, Policy Analyst  
Stewart E. Smith, Policy Analyst  
Susan Creager Allred, Associate General Counsel  
Esther D. Chelsea-McCarty, Associate General Counsel  
Amanda K. Majers, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Fowlke called the meeting to order at 10:50 a.m. Handouts entitled "2009 General Session Summary" and "Interim Study Survey" were distributed to the committee members.

**MOTION:** Rep. Allen moved to approve the minutes of the November 19, 2008 Judiciary Interim Committee and the Law Enforcement and Criminal Justice Interim Committee meetings. The motion passed unanimously with Sen. Hillyard, Sen. Romero, and President Waddoups absent for the vote.

**2. Department of Corrections Issues and Agency Update**

Mr. Thomas Patterson, Executive Director, Utah Department of Corrections, discussed the impact of the budget changes made during the 2009 General Session to the Department of Corrections. Mr. Patterson expressed the Department of Correction's goal to maintain a balance between ensuring public safety and facilitating successful inmate transitions into the community within the constraints of the thirty-nine million dollar overall budget cut sustained by the department. He also detailed eliminations and reductions in offender programs and programs affecting public safety.

Rep. Wheatley inquired how the budget cuts will affect recidivism rates.

Mr. Patterson responded that recidivism is the ultimate standard used to determine how effective the Department of Corrections is in accomplishing its mission. He postulated that recidivism will be adversely affected because of the budget cuts in offender treatment programs.

Rep. King asked what percentage of inmates in the state system are illegal immigrants and under what circumstances would they be imprisoned rather than deported.

Mr. Cliff Butter, Director of Planning and Budget, Department of Corrections, stated that the estimated population of illegal immigrants in the state correctional system is 4.6 percent. Mr. Patterson stated that the Department of Corrections does not control who comes into its custody or when a person leaves it. His responsibility focuses on managing inmates once they are in the custody of the department.

Rep. Hutchings complimented the Department of Corrections on preventing early inmate release by creating other solutions to the budget cuts, and he inquired about the department's solutions to inmate bed shortages and developments in correctional facility construction.

Mr. Patterson answered further questions from the Committee concerning issues and challenges facing the Department of Corrections.

### **3. Department of Public Safety Issues and Agency Update**

Commissioner D. Lance Davenport, Executive Director, Department of Public Safety, distributed and discussed "Utah Department of Public Safety: Budget Reductions Presentation," which details the department's plan for implementing the 2009 General Session budget reductions.

Sen. Greiner referred to "Utah Department of Public Safety: Budget Reductions Presentation" and inquired about the elimination of positions in the Driver License Division.

Mr. Joe Brown, Director of Administrative Services Division, Department of Public Safety, stated that those positions were projected to be needed because of the estimated 155,000 new walk-in customers anticipated to enter the Department of Motor Vehicles annually due to the requirement of 2008 General Session S.B. 81, "Illegal Immigration" that identification be provided in person for obtaining driver licenses and for renewals.

Rep. Ipson inquired if the changes in the private club laws will affect the work load for the department.

Commissioner Davenport stated that he does not believe that it will decrease pressure to enforce liquor laws and, with the budget reductions, it may even hamper agents' ability to meet their basic mission.

Rep. Aagard inquired about the impact of budget cuts on the crime lab. Commissioner Davenport stated that a previous increase in staffing resulted in an overall improvement.

Rep. King asked for clarification concerning the Department of Public Safety's interpretation of S.B. 81. Commissioner Davenport explained his understanding of the impact of S.B. 81 and answered further questions on the topic from the Committee.

Commissioner Davenport answered further questions from the Committee concerning the Department of Public Safety's budget.

#### **4. Administrative Office of the Courts Issues and Agency Update**

Mr. Daniel J. Becker, Court Administrator, Administrative Office of the Courts, distributed and discussed "Judicial Branch Budget Reduction," which discussed personnel reductions, case filing increases, and judicial vacancies.

President Waddoups inquired about the hiring freeze on judicial vacancies and why it was changed to a hiring slowdown.

Mr. Becker stated that the purpose for the hiring freeze was to get through 2009. He explained that the slowdown is now necessary due to an increased caseload and to facilitate the timely administration of court cases.

Sen. Hillyard inquired about the use of mediation to settle cases. Mr. Becker stated that the use of mediation varies among the judicial districts and it is one of the steps that will be taken to address the increased workload.

Rep. Beck asked about the juvenile treatment services that will be eliminated. Mr. Becker responded that state supervision services like mental health or counseling were not eliminated but will be negatively affected.

#### **5. Court Fees**

Rep. Jack R. Draxler asked the Committee to study court fees during the interim. Rep. Draxler introduced Ms. Michelle Camp, Utah Association of Collectors, who advocated for implementing court fees for filing answers for collection judgments and answered questions from the Committee.

Mr. Rick Schwermer, Administrative Office of the Courts, spoke to the court's position concerning requiring fees to file an answer and answered questions from the Committee.

Sen. Buttars spoke in favor of studying this issue.

Sen. Stephen H. Urquhart spoke in favor of studying the impact of implementing fees on motions.

Sen. Luz Robles recounted certain policy issues regarding filing fees for family law cases dealing with domestic violence. She advocated the implementation of a benchmark to determine whether a filing fee should be waived in cases of domestic violence.

Mr. Stewart Ralphs, Legal Aid Society of Salt Lake, spoke in favor of implementing a benchmark to determine whether a filing fee should be waived in domestic violence cases.

Sen. Greiner pointed out that the number of domestic violence cases is large, and commented that the Committee needs to look at that volume and how waiving fees in that area would impact the court's budget.

**6. Debt Collection - Statute of Limitations for Bad Checks**

This agenda item was not discussed.

**7. Other Business / Adjourn**

**MOTION:** Sen. Greiner moved to adjourn the meeting. The motion passed unanimously, with Sen. Buttars, Sen. Hillyard, Rep. McIff, and Rep. Wimmer absent for the vote.

Chair Fowlke adjourned the meeting at 12:48 p.m.